

REMARKS

Reconsideration of the claims is respectfully requested. Claims 6, 8, and 10-13 remain in the application with Claim 6 being an independent claim. Claims 7 and 9 have been canceled. No new matter has been added by this amendment.

Claim Objections

1. The Examiner states that Claim 6 is objected to because of an informality in line 12, wherein the phrase “the signal line” should be changed to “the pressure signal line” for proper antecedent basis. Applicants have amended Claim 6 as directed by the Examiner to provide proper antecedent basis for “the pressure signal line”. In light of the amendment of Claim 6, Applicants respectfully request that the Examiner withdraw the objection to Claim 6. Further, Applicants respectfully submit that Claim 6 is now in condition for allowance.

Claim Rejection - 35 USC § 112

2-3. The Examiner states that Claims 9-13 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that Claim 9 & 13 recites the limitation “the governor control” in lines 11 & 13 and 4 & 7, respectively and that there is not antecedent basis for this limitation. Applicants have canceled Claim 9 and have amended Claim 13 to depend directly from Claim 6. Claim 6 has been amended to include that “the electronic engine speed control system includes a governor control” to provide proper antecedent basis for Claim 13. In light of the amendment of Claim 6 and the direct dependence of Claim 13 from now amended Claim 6, Applicants respectfully request that the Examiner withdraw the rejection of Claim 13. Further, Applicants respectfully submit that Claim 6 is now in condition for allowance.

Claim Rejections under § 103

4-5. The Examiner has rejected Claims 6-8 under 35 USC § 103(a) as being unpatentable over Swick ('029) in view of Abels ('847). In particular, the Examiner states that Swick discloses Applicants claimed invention other than an electronic engine speed control system. However, the Examiner states that Abels discloses an electronic engine speed control system (101a) for setting and maintaining the engine at any desired speed. The Examiner further states that, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide an electronic engine speed control system for maintaining the engine at any desired speed during neutralization of the hydrostatic transmission disclosed in Swick in view of the teaching of Abels. In regard to Claim 7, the Examiner states that it would be inherent that the engine speed control system would have means for disrupting the system so that the desired speed is no longer electronically set and maintained, for example, when the vehicle is turned off. Furthermore, in regard to Claim 8, the Examiner states that it would also be inherent that the engine speed would be electronically set to the desired speed incrementally over a predetermined time, because the engine cannot go from standstill to 3000rpm instantaneously, so the speed must be incrementally increased over a period of time.

Applicants have amended Claim 6 to include the limitations of Claim 9 which the Examiner states would be allowable if rewritten to overcome the rejection(s) under 35 USC 112, second paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims. The Examiner specifically points out that Abels does not disclose an electronic engine speed control that includes an electronic control module, an operator switch connected to the control module and movable to a set position which sends an input signal with a desired engine speed value to the control module, an engine sensor connectable between the engine and the control module for sensing the speed of the engine and sending an input signal with an actual engine speed value to the control module, an actuator connectable between the control module and a governor control and responsive to a control signal from the control module for moving the governor control to any one of the plurality of positions, the control signal being delivered to the actuator as a

function of the desired and actual values so that the engine speed is electronically set and maintained at the desired speed, and means for disrupting the control signal so that the engine speed is no longer electronically set and maintained at the desired speed. Given that Applicants have amended Claim 6 to include these limitations, Applicants respectfully submit that the rejection of Claim 6 under 35 USC § 103(a) should be withdrawn. Further, Applicants respectfully submit that Claim 6 is now in condition for allowance and the Examiner should give allowance.

Claim 7 has been canceled and will no longer be subject to prosecution.

Claim 8 is directly dependent on Claim 6 and includes additional limitations therein. Due to the relationship of Claim 8 with Claim 6 and the arguments for allowance of Claim 6, Applicants respectfully submit that the rejection of Claim 8 under 35 USC § 103(a) should also be withdrawn. Further, Applicants respectfully submit that Claim 8 is now in condition for allowance and the Examiner should give allowance.

Allowable Subject Matter

6-7. The Examiner states that Claims 9-13 would be allowable if rewritten to overcome the rejection(s) under 35 USC 112, second paragraph, set forth in the Office action and to include all of the limitations of the base claim and any intervening claims. Applicants have included the limitations of Claim 9 within Claim 6 via amendment. Therefore, Claim 9 has been canceled and will no longer be subject to prosecution.

Claims 10-13 have been amended to directly depend from Claim 6 and include additional limitations therein. Due to the relationship of Claims 10-13 with Claim 6 and the arguments for allowance of Claim 6, Applicants respectfully submit that Claims 10-13 are now in condition for allowance and the Examiner should give allowance.

CONCLUSION

The prior art of record has been reviewed and is believed to be inapplicable and not pertinent to the invention as claimed by the Applicants.

It is respectfully urged that the subject application is in condition for allowance and allowance of the claims in the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana L. Charlton". The signature is fluid and cursive, with a large initial "D" and a stylized "C".

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